

Exhibit D

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

NIKE, INC.;)
)
 Plaintiff,)
)
 vs.) Case No.
) 1:22-cv-00983-VEC
STOCKX, LLC;)
)
 Defendant.)
)

VIDEOTAPED DEPOSITION OF ROY IKHYUN KIM

San Diego, California

Wednesday, February 8, 2023

Reported by:

Lynda L. Fenn, CSR, RPR

CSR No. 12566

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1 And why did you use this platform the most?

2 A StockX offered the best prices. As also a
3 power buyer, I've had discounts on shipping so it
4 made no sense economically to purchase through their
5 platform.

6 Q Now, how much have you spent purchasing on
7 StockX platform?

8 A [REDACTED].

9 Q And if you can recall, do you know when you
10 made your first purchase from StockX?

11 A Probably 2017, 2018. But I have to look
12 that up to be specific.

13 Q And how many purchases would you estimate
14 you've made from StockX to date?

15 A Maybe around 5,000 shoes or so.

16 Q And are you familiar with the StockX term
17 "power buyer"?

18 A That was a phrase that I use. They might
19 use it, but I'm not sure if they use it.

20 Q And what does "power buyer" mean?

21 A It's just somebody who -- if they spend a
22 certain amount within a quarter, they get discounted
23 shipping rates.

24 Q And what amount is that, if you know?

25 A I don't recall off the top of my head.

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1 Q Does it entitle you to any other special
2 benefits beyond discounted shipping?

3 A I'm told that we get a dedicated customer
4 support rep for our issues, but I'm not a hundred
5 percent sure that's actually the case.

6 Q And when did you become a StockX power
7 buyer?

8 A I've had that discount -- for over a year
9 at least. I don't know exactly.

10 Q Are you aware of like -- was there a
11 threshold amount that you sold to -- to become a
12 power buyer with StockX?

13 A Yeah, a threshold amount that I bought
14 within a time period.

15 There was an email that they sent that
16 tells you what the thresholds are, but I didn't
17 really read it, you know, because they just said I
18 got a discount so I said, That's cool.

19 Q Okay.

20 Prior to becoming a power buyer, did you
21 ever have any issues with any product that you
22 received from StockX?

23 A Not to my memory.

24 Q Okay.

25 A There's a few shoes that might have had

1 before receiving a response?

2 A Through the email chat I sent them, I
3 think, one message. And then I had also reached out
4 through their Discord because the moderators on that
5 Discord were a little bit more accessible.

6 I didn't hear from them back either, so I
7 had to post on my Instagram instead.

8 Q And so was it after you posted on your
9 Instagram when you were able to make contact with
10 StockX?

11 A Yeah, StockX reached out to me after they
12 saw the post go viral on the sneaker Instagram sites.

13 Q In contacting StockX, did you express that
14 you had suspected the product was fake?

15 A Yes, I believe so.

16 Q And were you ultimately able to return the
17 product?

18 A I was, yes.

19 Q Now, after you became a power buyer with
20 StockX, did you have issues with any other products
21 that you received from StockX?

22 A Not to my knowledge, no.

23 Q How would you characterize the customer
24 service you received from StockX prior -- withdrawn.

25 How would you characterize the customer

1 service you received from StockX after becoming a
2 power buyer?

3 A Their customer service is generally pretty
4 good just not in this particular case. Generally,
5 they are responsive to any issues that I have as a
6 buyer or a seller within 24 hours.

7 In this case I didn't hear back them from.

8 Q And do you think that StockX made it easier
9 for you to return products with issues?

10 A I'm sorry, I don't understand your
11 question.

12 Q Yeah.

13 Did StockX make it easy for you to return
14 products with issues?

15 A Outside of this particular scenario or
16 others?

17 Q Well, let's focus on this particular
18 scenario.

19 A In this scenario, yeah, once they received
20 the shoes and verified that, you know, they were
21 fake, it was easy for me to return.

22 They sent me a bunch of shipping label and
23 I sent the shoes back with them.

24 Q Okay. How about in other situations?

25 Does StockX make it easy for you to return

1 products?

2 A I don't recall any other situation where I
3 had to return something to them.

4 Q Now, of the products that you purchased
5 from StockX, have any failed authentication when you
6 attempted to sell them on another platform?

7 A Not to my knowledge. I mean, we're only
8 really talking about GOAT and eBay if we're talking
9 applications.

10 So, no, I have not tried to sell -- I
11 haven't had any issues with stuff I bought from
12 StockX that I sold through GOAT and eBay, no.

13 Q Okay.

14 Of the products that you purchased from
15 StockX, have any failed authentication when you
16 attempted to sell them again on StockX?

17 MR. POTTER: Objection to form.

18 THE WITNESS: Yes, I've had pairs fail but
19 not because of authenticity reasons.

20 MS. REINCKENS: Okay.

21 BY MS. REINCKENS:

22 Q Why -- why have the products failed?

23 A Well, I got one last week where the bottom
24 of the shoe apparently was dirty. I haven't gotten
25 the shoe back to look at it, but they said the bottom

1 of the shoe was dirty.

2 But this was a shoe that I had purchased
3 from StockX, left in my storage unit and then tried
4 to sell back recently.

5 Q And did you attempt to contact StockX
6 following that?

7 A No.

8 Q Any other situations you can think of where
9 a product you purchased from StockX may have failed
10 when you attempted to sell them again on StockX?

11 MR. POTTER: Objection to form.

12 THE WITNESS: I can't remember. I mean
13 there have been cases, I just can't remember the
14 specific details.

15 Generally when it happens I just take the
16 shoe back, I take a look at it, I'll clean it up and
17 then -- yeah, if they say, like, the bottom of the
18 insole is dirty, I'll clean and, you know, sell them
19 again.

20 MS. REINCKENS: Can you please mark this as
21 Exhibit No. ROY 1.

22 Actually, I think we can do Exhibit
23 No. KIM -- KIM 1, sorry.

24 (Plaintiff's Exhibit 1 was marked for
25 identification by the Certified Shorthand Reporter

1 Q After you received the refunds from StockX
2 for the Uni, the Hyper Royal and the Mocha, did you
3 continue to purchase sneakers through the StockX
4 platform?

5 A I did.

6 Q Approximately how many sneakers have you
7 purchased through StockX -- how many pairs of
8 sneakers have you purchased through StockX since that
9 time?

10 A Over a thousand, I'm guessing. A lot.

11 Q And have any of those -- have you believed
12 that any of those are not authentic?

13 A No, I have not.

14 Q Have you bought Nike sneakers, as well as
15 other brand?

16 A I have, yes.

17 Q And are you -- are you continuing to
18 currently make purchases through StockX?

19 A I am, yes.

20 Q What percentage of the shoes that you
21 purchased through StockX since July 2022 were Nikes?
22 An estimate is fine.

23 A Ninety percent plus.

24 Q You were also in communication with Nike's
25 litigation counsel in July of '22; correct?